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<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/017,470	PEARSON, MARTIN T.
	Examiner Gregg Cantelmo	Art Unit 1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 8/16/04.
2.  The allowed claim(s) is/are 58-63.
3.  The drawings filed on 12/14/01 and 3/10/04 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date March 10, 2004
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. In response to the after final amendment received August 16, 2004 which has been approved for entry:
  - a. Claims 1-57 have been cancelled. Claims 58-63 are pending.

### ***Information Disclosure Statement***

2. Enclosed is a copy of the IDS received March 10, 2004. The reference cited therein has been considered as cited on the form PTO-892 mailed June 16, 2004. The citation on the IDS of March 10, 2004 has been crossed-out to prevent redundant reference listings upon publication of the allowed application.

## **EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows for the sole purpose of updating the status of one of the U.S. patent applications identified in the specification:

Please replace the paragraph beginning at page 15, line 15 as found in the amendment received March 10, 2004 with the following paragraph:

-- Although specific embodiments of and examples for the fuel cell system and method are described herein for illustrative purposes, various equivalent modifications can be made without departing from the spirit and scope of the invention, as will be recognized by those skilled in the relevant art. For example, the teachings provided herein can be applied to fuel cell systems including other types of fuel cell stacks or fuel cell assemblies, not necessarily the polymer exchange membrane fuel cell assembly generally described above. The fuel cell system can employ various other approaches and elements for adjusting reactant partial pressures. The various embodiments described above can be combined to provide further embodiments. Commonly assigned U.S. patent application serial No. 10/017,462 entitled "METHOD AND APPAMTUS FOR MULTIPLE MODE CONTROL OF VOLTAGE FROM A FUEL CELL SYSTEM" filed December 14, 2001; and U.S. patent application Serial No. 10/017,461 entitled "FUEL CELL SYSTEM MULTIPLE STAGE VOLTAGE CONTROL METHOD AND APPARATUS" filed December 14, 2001, now U.S. patent No. 6,573,682 issued June 3, 2003 ~~both filed December 14, 2001~~, are incorporated herein by reference in their entirety. Aspects of the invention can be modified, if necessary, to employ systems, circuits and concepts of various patents, applications and publications to provide yet further embodiments of the invention. --

***Allowable Subject Matter***

4. Claims 58-63 are allowed.

5. The following is an examiner's statement of reasons for allowance: none of the prior art of record is considered to teach, suggest or render obvious the invention of claim 58.

U.S. patent No. 6,497,974 (Fuglevand) discloses a fuel cell system for providing power to a load comprising a voltage bus, and first and second fuel cell stacks and batteries as shown in Figs. 1 and 2). However Fuglevand does not teach or suggest of respective first and second reactant delivery systems and control systems as defined in claim 58. The control system of Fuglevand is not taught or suggested to be coupled to receive signals corresponding to operating conditions of the respective batteries to determine a deviation of the operating condition of the batteries from a desired operational condition and each control circuit being coupled to control the respective control element in the respective reactant deliver system.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregg Cantelmo whose telephone number is (571) 272-1283. The examiner can normally be reached on Monday to Thursday from 9 a.m. to 6 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Pat Ryan, can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. FAXES received after 4 p.m. will not be processed until the following business day. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregg Cantelmo  
Primary Examiner  
Art Unit 1745

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August 31, 2004